

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

REMEDIOS REYES GOMEZ,	§	
Individually and as Representative of The	§	
Estate of JAIME SANCHEZ JAIMES,	§	
Deceased, and as Next Friend of ALEJANDRA	§	5:22-cv-997
DANIELA SANCHEZ REYES and RAUL	§	
EMMANUEL SANCHEZ REYES, MINORS	§	
	§	
Plaintiffs,	§	
	§	
v.	§	CIVIL ACTION
	§	
NRG TRUCKING COMPANY	§	
	§	
Defendant.	§	JURY DEMANDED

NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

NRG Trucking Company files this Notice of Removal pursuant to 28 U.S.C. §1446(a) and respectfully shows the Court the following:

Procedural Background

1. On August 19, 2022, Plaintiffs filed Plaintiffs' Original Petition in the matter styled *Remedios Reyes Gomez, Individually and as Representative of the Estate of Jaime Sanchez Jaimes, Deceased, and as Next Friend of Alejandra Daniela Sanchez Reyes and Raul Emmanuel Sanchez Reyes, Minors v. NRG Trucking Company*, Cause No. 22-08-00228CVF, in the 81st/218th Judicial District Court, Frio County, Texas. Through undersigned counsel, NRG Trucking Company accepted service of process on August 19, 2022. Defendant NRG Trucking Company now files this Notice of Removal within the thirty-day time period required by 28 U.S.C. §1446(b).

2. Plaintiffs' Original Petition arises out of a motor vehicle accident which occurred on May 24, 2022 on U.S. Highway 57 in Frio County, Texas.

3. Attached hereto as Exhibit "A" is the Index of Matters Being Filed. A copy of the Frio County Clerk's file for this case is attached as Exhibit "B", which includes true and correct copies of all executed process, pleadings and orders. Attached hereto as Exhibit "C" is the Designation of Counsel.

Basis for Removal

4. Removal is proper under 28 U.S.C. §1332(a)(1) in that there is complete diversity of citizenship.

5. Plaintiffs are, and were at the time the lawsuit was filed, residents of Mexico. *See* Plaintiffs' Original Petition. Plaintiffs do not affirmatively aver that they are citizens of Mexico, but based on a fair reading of Plaintiffs' Original Petition, it is believed, and therefore averred, that Plaintiffs are citizens of Mexico.

6. Defendant NRG Trucking Company is a corporation or other business entity incorporated under the law of the State of Illinois, and with its principal place of business located at 16W277 83rd St., Suite C, Burr Ridge, IL 60527. For the purposes of diversity, a corporation is a citizen of both the state where it is incorporated and the state where it has its principal place of business. *See* 28 U.S.C. § 1332(c)(1). As such, NRG Trucking is a citizen of Illinois.

7. The amount alleged to be in controversy is believed to exceed \$75,000. Plaintiffs' Original Petition states only that "the amount in controversy is within the jurisdictional limits of this Court". *See Plaintiffs' Original Petition*, at ¶6. However, given the circumstances of the incident forming the basis of this matter, and the nature of the causes of action asserted against

NRG Trucking, it is believed, and therefore averred, that Plaintiffs seek relief against NRG Trucking in excess of \$75,000.

The Removal is Procedurally Correct

8. NRG Trucking Company was served with Plaintiffs' Original Petition, through undersigned counsel, on August 19, 2022. As such, the 30-day time period required by 28 U.S.C. §1446(b) for the filing of a Notice of Removal has not yet expired.

9. Venue is proper in this district under 28 U.S.C. §1446(a) because this district and division embrace the place in which the removed action has been pending and because a substantial part of the events giving rise to the Plaintiffs' claim allegedly occurred in this district.

10. Pursuant to 28 U.S.C. §1446(a), all pleadings, process, orders, and all other filings in the state court action are attached to this Notice.

11. Pursuant to 28 U.S.C. §1446(d), promptly after NRG Trucking Company files this Notice, written notice of the filing will be given to Plaintiffs, the adverse parties.

12. Pursuant to 28 U.S.C. §1446(d), a true and correct copy of this Notice of Removal will be filed with the Clerk of Frio County, promptly after NRG Trucking Company files this Notice.

Respectfully submitted,

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BY: 

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ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing has been served in accordance with the Texas Rules of Civil Procedure on this 12th day of September, 2022, to:

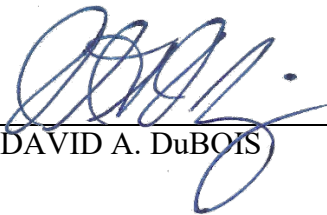
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